



EMPLOYMENT TRIBUNALS (SCOTLAND)

5 **Case Numbers: 4100245/2022 (multiple ref 4100156), 4100947/2022 (multiple
ref 4100173), 4100946/2022, 4100297/2022, 4112447/2021, 4113585/2021,
4112445/2021, 4101165/2022 and 4101008/2022**

Hearing held in Glasgow on 1 August 2022

10 **Employment Judge M Whitcombe**

**Mr F Hanlon and 3 others
(see Schedule A)**

**Claimants
Represented by:
Mr L McKay -
Solicitor**

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**Mr C Thomson & 40 others
(see Schedule B)**

**Claimants
Represented by:
Mr M Briggs -
Advocate**

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25 **Unite the Union**

**Claimants
Represented by:
Mr M Briggs -
Advocate**

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Mr P McGarrigle

Claimant

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Mr S Forrester

Claimant

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Mr C McGarrigle

Claimant

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Mr R Winters

Claimant

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Mr M Hillan

Claimant

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Mr S Gormill

Claimant

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20 Weir and McQuiston (Scotland) Limited
(In Administration)

Respondent
No appearance and
No representation

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is as follows.

- 30 (1) There were no "appropriate representatives" for the purposes of s.188(1)
TULRCA 1992 (whether trade union representatives or elected
representatives).
- (2) The claim brought by Unite the Union therefore fails and is dismissed.
- 35 (3) Having made that finding, and with the consent of all present, this
preliminary hearing was converted under rule 48 to a final hearing to deal
with all remaining issues. No prejudice was caused to any party, including
the respondent which is not actively defending the claim.
- (4) The respondent dismissed as redundant more than 20 employees at a
single establishment within a period of 90 days or less.

- 5 (5) The respondent failed to arrange for the election of employee representatives in order to comply with its obligations under s.188 TULRCA 1992. The respondent was in wholesale breach of its obligations under ss188 and 188A TULRCA 1992 and it has not proved the existence of any special circumstances for the purposes of s.188(7) TULRCA 1992.
- (6) The remaining claimants are all either affected employees, or employees dismissed as redundant, or both.
- 10 (7) The remaining claimants are entitled to a protective award of 90 days' pay beginning with 11 November 2021 .The respondent is ordered to pay that sum to each of the claimants.
- 15 (8) Mr Gormill's application for a postponement on health grounds was refused because it was made very late and it was more important to carry on with the hearing of all other claims, even if that deprived Mr Gormill of an opportunity to be heard. His position was understood to be the same as that of all other claimants and he has now succeeded in his claim. Mr Gormill has the same right as any other party to request a reconsideration of this judgment if for any reason he wishes to challenge it.

20 Employment Judge: Mark Whitcombe
Date of Judgment: 01 August 2022
Entered in register: 03 August 2022
and copied to parties

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Multiple Schedule A

Multiple: 4100156 - Weir & McQuiston (Scotland) Limited

| Case Number | Case Name |
|--------------|---|
| 4100245/2022 | Mr Frank Hanlon -v- Weir & McQuiston (Scotland) Limited |
| 4100246/2022 | Mr Eamonn Higgins -v- Weir & McQuiston (Scotland) Limited |
| 4100247/2022 | Mr Gordon Liddell -v- Weir & McQuiston (Scotland) Limited |
| 4100248/2022 | Mr Craig Wilson -v- Weir & McQuiston (Scotland) Limited |

Multiple Schedule B

Multiple:

4100173 - Weir & McQuiston (Scotland) Limited

| Case Number | Case Name |
|--------------|--|
| 4100947/2022 | Mr Christopher Thomson -v- Weir & McQuiston (Scotland) Limited (in administration) |
| 4100948/2022 | Mr barry allen -v- Weir & McQuiston (Scotland) Limited |
| 4100949/2022 | Mr james thomas brown -v- Weir & McQuiston (Scotland) Limited |
| 4100950/2022 | Mr robert bruce -v- Weir & McQuiston (Scotland) Limited |
| 4100951/2022 | Mr david campbell -v- Weir & McQuiston (Scotland) Limited |
| 4100952/2022 | Mr william cashmore -v- Weir & McQuiston (Scotland) Limited |
| 4100953/2022 | Mr stuart william corbett -v- Weir & McQuiston (Scotland) Limited |
| 4100954/2022 | Mr anthony coutts -v- Weir & McQuiston (Scotland) Limited |
| 4100955/2022 | Mr dominic docherty -v- Weir & McQuiston (Scotland) Limited |
| 4100956/2022 | Mr raymond francis -v- Weir & McQuiston (Scotland) Limited |
| 4100957/2022 | Mr howard gilliland -v- Weir & McQuiston (Scotland) Limited |
| 4100958/2022 | Mr rhoan gray -v- Weir & McQuiston (Scotland) Limited |
| 4100959/2022 | Mr aaron green -v- Weir & McQuiston (Scotland) Limited |
| 4100960/2022 | Mr scott harkins -v- Weir & McQuiston (Scotland) Limited |
| 4100961/2022 | Mr daniel hassan -v- Weir & McQuiston (Scotland) Limited |
| 4100962/2022 | Mr colin hunter -v- Weir & McQuiston (Scotland) Limited |
| 4100963/2022 | Mr barrie john -v- Weir & McQuiston (Scotland) Limited |
| 4100964/2022 | Mr scott johnson -v- Weir & McQuiston (Scotland) Limited |
| 4100965/2022 | Mr stephen kane -v- Weir & McQuiston (Scotland) Limited |
| 4100966/2022 | Mr scott kelly -v- Weir & McQuiston (Scotland) Limited |
| 4100967/2022 | Mr michael kerr -v- Weir & McQuiston (Scotland) Limited |
| 4100968/2022 | Mr richard lang -v- Weir & McQuiston (Scotland) Limited |
| 4100969/2022 | Mr bradley lawson -v- Weir & McQuiston (Scotland) Limited |
| 4100970/2022 | Mr martyn mccabe -v- Weir & McQuiston (Scotland) Limited |
| 4100971/2022 | Mr stuart mcclure -v- Weir & McQuiston (Scotland) Limited |
| 4100972/2022 | Mr scott mcconnell -v- Weir & McQuiston (Scotland) Limited |
| 4100973/2022 | Mr ross mcdonnell -v- Weir & McQuiston (Scotland) Limited |
| 4100974/2022 | Mr john mcgarrigle -v- Weir & McQuiston (Scotland) Limited |
| 4100975/2022 | Mr darren mcguire -v- Weir & McQuiston (Scotland) Limited |
| 4100976/2022 | Mr robert mckenna -v- Weir & McQuiston (Scotland) Limited |
| 4100977/2022 | Mr ewan mcluckie -v- Weir & McQuiston (Scotland) Limited |
| 4100978/2022 | Mr kyle mcneil -v- Weir & McQuiston (Scotland) Limited |
| 4100979/2022 | Mr lee mcpeake -v- Weir & McQuiston (Scotland) Limited |
| 4100980/2022 | Mr calum meechnan -v- Weir & McQuiston (Scotland) Limited |
| 4100981/2022 | Mr kenneth millar -v- Weir & McQuiston (Scotland) Limited |
| 4100982/2022 | Mr mark naughton -v- Weir & McQuiston (Scotland) Limited |
| 4100983/2022 | Mr adam pearson -v- Weir & McQuiston (Scotland) Limited |
| 4100984/2022 | Mr craig reid -v- Weir & McQuiston (Scotland) Limited |
| 4100985/2022 | Mr mark sheen -v- Weir & McQuiston (Scotland) Limited |
| 4100986/2022 | Mr nathan stevenson -v- Weir & McQuiston (Scotland) Limited |
| 4100987/2022 | Mr gary torrance -v- Weir & McQuiston (Scotland) Limited |